

1AP7 Rec'd PCT/PTO 30 MAY 2006

PATENT  
Attorney Docket No.: HILLS1150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Foster et al. Art Unit: 1723  
Application No.: 10/552,390 Examiner: Not Yet Assigned  
I.A. Filing Date: April 8, 2004 Conf. No.: 4759  
Title: PARTICLE SYNTHESIS APPARATUS AND METHOD

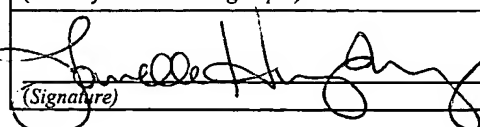
**Mail Stop PCT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35**  
**U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 mailed  
May 15, 2006, enclosed are:

1. One (1) copy of the Notification of Missing Requirements under 35 U.S.C. 371 mailed May 15, 2006 (2 pages);
2. One (1) executed Declaration for Patent Application (5 pages);
3. One (1) Power of Attorney by Assignee (2 pages);
4. Check No. 581997 in the amount of \$65.00; and
5. Return Receipt Postcard.

<b>CERTIFICATION UNDER 37 CFR §1.10</b> "EXPRESS MAIL" Mailing Label Number: <b>EV 841 623 041 US</b> Date of Deposit: <b>May 30, 2006</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
JANELLE HUMPHREY (Name of Person Mailing Paper)	
 (Signature)	May 30, 2006 (Date)

In re Application of:

Foster et al.

Application No.: 10/552,390

I.A. Filing Date: April 8, 2004

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PATENT

Attorney Docket No.: HILLS1150

Applicants claim **SMALL ENTITY** status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee has been calculated as follows:

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Large Entity		Small Entity	Large Entity
Total Claims	26-20	=	6	X	\$25	\$50	=	[\$ 150.00]	\$ .00
Independent Claims	2-3	=	0	X	\$100	\$200	=	\$ .00	\$ .00
Multiple Dependent Claims Present: ____ Yes <u>x</u> No					\$180	\$360		N/A	N/A
Fee for Each Additional 50 Sheets in Excess of 100 Pages					\$125	\$250		N/A	N/A
					FILING FEE			[\$ 150.00]	\$ 300.00
					SEARCH FEE			[\$ 200.00]	\$ 400.00
					EXAM FEE			[\$ 100.00]	\$ 200.00
					SURCHARGE FEE			\$ 65.00	\$ 130.00
					TOTAL FEE			\$ 65.00	

Enclosed is Check No. 581997 in the total amount of \$65.00; which consists of \$65.00 for the late declaration surcharge fee pursuant to 37 CFR 1.492(e). The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: May 30, 2006



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05/05/2006 07:51:11 00000135 10552390

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65.00 02

**MAY 18 2006****UNITED STATES PATENT AND TRADEMARK OFFICE****DLA PIPER**  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/552,390	Neil Russell FOSTER	HILLS1150

INTERNATIONAL APPLICATION NO.
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PCT/AU04/00466

I.A. FILING DATE	PRIORITY DATE
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04/08/2004

04/08/2003

28213  
DLA PIPER RUDNICK GRAY CARY US, LLP  
4365 EXECUTIVE DRIVE  
SUITE 1100  
SAN DIEGO, CA 92121-2133

**CONFIRMATION NO. 4759****371 FORMALITIES LETTER**

\*OC00000018787978\*

Date Mailed: 05/15/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

**PATENT DOCKETING****MAY 18 2006****DLA PIPER**

- Indication of Small Entity Status
- Copy of the International Application filed on 10/07/2005
- Copy of the International Search Report filed on 10/07/2005
- Preliminary Amendments filed on 10/07/2005
- Request for Immediate Examination filed on 10/07/2005
- U.S. Basic National Fees filed on 10/07/2005
- Priority Documents filed on 10/07/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/552,390	PCT/AU04/00466	HILLS1150